

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK L. RUTLEDGE,

Plaintiff,

-vs-

Case No. 3-:03-CV-171

ALAN LAZAROFF, Warden,

District Judge Thomas M. Rose

Defendant.

Magistrate Judge Sharon L. Ovington

**ENTRY AND ORDER OVERRULING MARK L. RUTLEDGE'S
OBJECTIONS (Doc. #13) TO MAGISTRATE JUDGE SHARON L.
OVINGTON'S REPORT AND RECOMMENDATIONS (Doc. #11);
ADOPTING MAGISTRATE JUDGE OVINGTON'S REPORT AND
RECOMMENDATIONS IN ITS ENTIRETY; GRANTING SANDRA J.
FINUCANE'S MOTION TO WITHDRAW AS COUNSEL (Doc. #15) AND
TERMINATING THIS CASE**

This matter is before the Court pursuant to Petitioner Mark L. Rutledge's ("Rutledge's") Objections (doc. #13) to the Report and Recommendations of Magistrate Judge Sharon L. Ovington (doc. #11). The Report and Recommendations was filed on July 21, 2006, and Rutledge's Objections thereto were filed on August 18, 2006. The Report and Recommendations addresses Rutledge's Petition for a Writ of Habeas Corpus.

The Warden did not file objections to the Report and Recommendations and did not file a response to Rutledge's Objections. Rutledge's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Rutledge's objections to the Magistrate Judge's Report and Recommendations are not

well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety and Rutledge's Petition for a Writ of Habeas Corpus is DENIED and DISMISSED.

Also before the Court is Sandra J. Finucane's motion to withdraw as Rutledge's counsel due to irreconcilable differences. (Doc. #15). This motion is hereby GRANTED. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Seventh day of March, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record